

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 395 - HB 511

March 27, 2011

SUMMARY OF BILL: Establishes a presumption of proximate cause of a motor vehicle accident occurring within a construction zone that results in death, injury, or damage if the operator of the vehicle is found to be under the influence. Establishes immunity from claims for personal injury, property damage, or death arising from certain Department of Transportation (TDOT) projects.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to TDOT, enactment of this legislation could reduce the Department's potential liability and ultimately reduce state expenditures resulting from litigation. However, TDOT has indicated the decrease would be considered not significant.
- Enactment of this bill would have a not significant impact on the State Risk Management Fund.
- The state currently uses a defense of contributing behavior in cases where there is evidence of intoxication by a driver who files an action against the state.
- There have been no claims in recent years where the state has had to pay for damages under these circumstances.
- The proposed legislation will not have a significant impact on the caseloads of state and local courts.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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